



February 11, 2007

Hon. Senator Harry Reid
Attention: Katherine Oh, Legislative Aide
528 Hart Senate Office Building
Washington, DC 20510
Faxed to: 202-224-7327

**RE: 1) THANKS FOR MEETING ON 12/11/07 ON HIV/AIDS ISSUES
2) SUPPORT URGED FOR AMENDMENT #234, H.J. RESOLUTION 20**

Dear Senator Reid:

On behalf of Beyond AIDS, I would like to **thank you and your staff for providing our organization with an opportunity to discuss HIV/AIDS issues with Katherine Oh on December 11.** We enjoyed the cordial visit at your office and the opportunity to brief Ms. Oh on new strategies needed for a more effective public health response for controlling the spread of this disease. We look forward to further communications on these issues, and have offered our expert assistance through Ms. Oh, to your office at any time to consult on matters relating to HIV/AIDS or other public health matters.

At this time, we are urging you to support Amendment #234 to H.J. Resolution 20, the 2007 Revised Continuing Appropriations Resolution. We understand that you have been reluctant to allow any amendments to this resolution, but ask you to consider this particular amendment as an exception due to its importance for saving lives. An explanation follows.

One of the most urgent of the new strategies to better control HIV/AIDS is to implement the 9/22/06 recommendations of the Centers for Disease Control and Prevention for routine opt-out HIV testing in healthcare settings, and routine testing of pregnant women. (An e-mail with a link to these recommendations is being sent to Ms. Oh.) Without funding to promote these important CDC recommendations, an estimated 250-300,000 Americans who are infected but have not been tested will continue to be unaware of their disease and will be likely to transmit it further. Also, pregnant women with unsuspected HIV infections will continue to bear lethally-infected newborns, even though if their infections were identified or their babies were tested at birth, treatment could prevent almost all of those infections.

Last December, just as we met with Ms. Oh, Congress overwhelmingly passed a bipartisan Ryan White CARE Act reauthorization (Public Law 109-415). **This Ryan White reauthorization amended Section 2625 of the Public Health Service Act, a designation of \$30 million annually from CDC prevention funding for "Early Diagnosis" grants for HIV testing, including rapid testing, for treatment of infected**

mothers and babies, and for linkage of persons testing positive to care and treatment.

These important grants were to be incentives to states that implemented voluntary ‘opt-out’ HIV testing, either for pregnant women (combined with screening of newborns), and/or for STD clinic clients and substance abuse center clients. Such incentives are badly needed to encourage a number of states to adjust their laws and regulations so as to eliminate barriers to testing. For example, my own state, California, is currently considering legislation to permit “opt-out” HIV testing, and this incentive would be of great assistance in passage of such legislation.

Unfortunately, the House of Representatives eliminated funding of this program in Section 20613(b)(1) of H.J. Resolution 20, the 2007 Revised Continuing Appropriations Resolution.

We believe that the House did this in error, perhaps misconstruing the grants as an “earmark,” which they are not (they are open to all states and do not meet any of the criteria for an earmark); or failing to recognize the lifesaving value of the grants and that states that do not yet permit “opt-out” testing can easily compete for these grants by adjusting their HIV testing regulations to be consistent with the CDC recommendations.

Fortunately, Amendment #234 to H.J. Resolution 20 would remove this nullification and permit the grant program to be funded. Please note that this does not increase the budget, but rather designates a portion of CDC’s prevention budget for these important purposes. A \$30 million appropriation to implement the program is also included in the President’s budget.

Once again, we urge that you accept this amendment, to permit full implementation of the negotiated bipartisan Ryan White reauthorization and the saving of countless lives.

Thank you for your kind consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Ronald Hattis, MD, MPH". The signature is written in a cursive, flowing style.

Ronald P. Hattis, MD, MPH
National Secretary, Beyond

AIDS

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